

**BEFORE CENTRAL GOVT. INDUSTRIAL-TRIBUNAL CUM-
LABOUR COURT NO-II, NEW DELHI**

LCA No. 03/2017

Sh. Rajesh Kumar Gupta,
R/o C-3/140,
Vikrant Khand, Gomti Nagar,
Lucknow, UP-226010,

Versus

1. Accountable Manager,
Sahara International Airport Pvt. Ltd.
Hotel Sahara Star,
Opp. Domestic Airport, Vile Parle (E).
2. CEO,
Sahara International Airport Pvt. Ltd,
Hotel Sahara Star,
Opp. Domestic Airport, Vile Parle (E).
Mumbai-400099.

Counsels:

For Claimant: Kunal Awana & Pratik Gaur, Ld. AR

For Respondent: None

ORDER DATED:- 18.06.2024

This order shall dispose of the two applications filed by one **Sonal Jaiswal**. First one has been filed with the request that she be substituted in place of the deceased claimant in whose favor the award has been passed. She submits that Claimant Sh. Rajesh Gupta was expired leaving behind her as legal heir. Other one has been filed by the same applicant seeking modification in the award passed by the Ld. Predecessor of this court. His contention is that

inadvertently in para no.-10 of the judgment word and figure Rs. 2,55,000/- has been typed instead of Rs. 21,55,000/- as mentioned in para no.-1. Hence being the numerical error it be corrected.

I have heard the applicant as well as gone through the record of this case. Claimant Rajesh Kumar Gupta has filed an application U/s 33C (2) of the I.D Act for recovery of the money dues from an employer. He claim to be appointed as a **Base Maintenance Manager** by the respondent company vide offer letter dated 22.09.2012. He was given gross salary of Rs. 2.60 Lakh per month + perks. He accepted the offer letter and joined the respondent Sahara International Airport Pvt. Ltd (SIAPL). After the arrest of **Mr Subroto Roy, Chief of Sahara** Group/respondent, there was a chaos in the management which led to the delay in payment of salary of employees. His salary was not paid, hence he filed the claim.

Respondent was proceeded ex-parte. Ex-parte award vide order dated 17.09.2019 was passed in favor of applicant by the Ld. Predecessor of this court whereby the respondent was held liable to pay an amount of Rs. 2,55,000/ along with interest @ 6% per annum from the date of accrual of the dues till actual payment is made.

Now come to an application filed by the claimant. In the first application, applicant claims to be the legal heir of the claimant being the legally wedded wife submitting that the claimant was expired after passing of the award. Along with the application, copy of the death certificate of the claimant was annexed wherein Rajesh Kumar Gupta was shown as expired on 17.05.2021. Photocopy of Aadhaar Card of the applicant has also been annexed to buttress the fact that the applicant is the wife of the claimant.

In view of the above said fact herein, this application stands allowed. In the award dated 17.09.2019, name of the applicant be substituted in place of claimant Sh. Rajesh Gupta, as Sonal Jaiswal R/o C-3/140, Vikrant Khand, Gomti Nagar, Lucknow, U.P- 226010.

Now, I have come to another application filed by the same applicant. By moving this application, applicant want to modify the award dated 17.09.2019. He submits that inadvertently numerical error have been erupted in para no.-10

of the said award where the amount had been mentioned as Rs. 2,55,000/- instead of Rs. 21,55,000/-. He submits that in para no.-1, it has been mentioned that the claimant has been claiming an amount of Rs. 21,55,000/-.

I have heard the argument and perused the record of this award. In the entire award passed by the predecessor of this court, nowhere it has been mentioned that any deduction have been made towards the claim filed by the claimant towards any error in calculation. Rather than it is an ex-parte award passed by the Ld. Predecessor of this tribunal.

Considering the above facts, it appears that in para no. 10 numerical error have been erupted. Therefore, the word and figure Rs. 2,55,000/- in para no.10 be read as Rs. 21,55,000/-. A copy of this order is sent to the appropriate government U/s 17, for annexing this order in the award passed by the Ld. Predecessor of this tribunal on 17.09.2019. For ready reference copy of the award passed by Ld. Predecessor of this court be also attached. Ordered accordingly.

Date 18.06.2024

ATUL KUMAR GARG
Presiding Officer.
CGIT-cum- Labour Court-II